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AN ACT  
RELATING TO PUBLIC SCHOOLS; CHANGING THE WRITING TEST FOR  
CERTAIN GRADES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-2C-4 NMSA 1978 (being Laws 2003,  
Chapter 153, Section 13) is amended to read:

"22-2C-4. STATEWIDE ASSESSMENT AND ACCOUNTABILITY  
SYSTEM--INDICATORS--REQUIRED TESTS--ALTERNATIVE TESTS--LIMITS  
ON ALTERNATIVES TO ENGLISH LANGUAGE READING TEST.--

A. The department shall establish a statewide  
assessment and accountability system that is aligned with the  
state academic content and performance standards and that  
measures adequate yearly progress for each student, public  
school and school district. Adequate yearly progress shall  
be determined primarily by student academic achievement, as  
demonstrated by statewide standards-based academic  
performance tests; however, the department may include other  
indicators of adequate yearly progress, including graduation  
rates for high schools and attendance for elementary and  
middle schools.

B. The academic assessment program for adequate  
yearly progress shall test student achievement as follows by  
the school year indicated:

(1) for grades kindergarten through two,

1 diagnostic and standards-based tests on reading that include  
2 phonemic awareness, phonics and comprehension by the  
3 2003-2004 school year;

4 (2) for grades three through nine and for  
5 grade eleven, standards-based academic performance tests in  
6 mathematics, reading and language arts and social studies by  
7 the 2005-2006 school year; provided that testing in ninth  
8 grade and testing in social studies shall not occur until the  
9 legislature has provided funding for test development and  
10 implementation;

11 (3) for grades three through nine,  
12 standards-based academic performance writing assessment with  
13 the writing assessment scoring criteria applied to the  
14 extended response writing portions of the language arts  
15 criterion-referenced tests by the 2005-2006 school year; and

16 (4) for one of grades three through five and  
17 six through nine and for grade eleven, standards-based  
18 academic performance tests in science by the 2007-2008 school  
19 year.

20 C. The department shall involve appropriate  
21 licensed school employees in the development of the  
22 standards-based academic performance tests.

23 D. All students shall participate in the academic  
24 assessment program. The department shall adopt standards for  
25 reasonable accommodations in academic testing for students

1 with disabilities and limited English proficiency, including  
2 when and how accommodations may be applied. The legislative  
3 education study committee shall review the standards prior to  
4 adoption by the department.

5 E. Students who have been determined to be limited  
6 English proficient may be allowed to take the standards-based  
7 academic performance test in their primary language. A  
8 student who has attended school for three consecutive years in  
9 the United States shall participate in the English language  
10 reading test unless granted a waiver by the department based  
11 on criteria established by the department. An English  
12 language reading test waiver may be granted only for a maximum  
13 of two additional years and only on a case-by-case basis."